



Department of Energy

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JUN 06 1995

95-DOE-08443

Mr. Martin Hestmark
U. S. Environmental Protection Agency, Region VIII
ATTN: Rocky Flats Project Manager, 8HWM-RI
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Denver, Colorado 80202-2405

Mr. Joe Schieffelin, Unit Leader
Hazardous Waste Facilities
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80222-1530

Subject: Response to Comments OU 1 Proposed Plan of May 25, 1995.

Gentlemen:

On May 25, 1995, the Department of Energy (DOE) submitted the Operable Unit No. 1 (OU1) Proposed Plan (PP) to the Environmental Protection Agency (EPA) and Colorado Department of Public Health and Environment (CDPHE). In my cover letter to the PP, I requested to meet with you as soon as possible to discuss this issue. In telephone discussions with Joe, he clearly stated he did not wish to meet. My telephone messages to Martin requesting to meet and for Martin to return my calls went unanswered.

The cover letter also proposed delaying the start of the public comment period until about June 1, 1995, in order to allow time to meet and to incorporate any additional regulatory comments into the plan. The DOE since delayed the start of public comment until about June 9, 1994 in hopes of having regulatory comments to incorporate. I also left messages with both of you stating the DOE's readiness to meet at your convenience and that we were approaching the start of the delayed comment period with no comments from you.

My telephone conversation with Joe on May 26, 1994 and a verbal request from Gary Kleeman of the EPA for an electronic (floppy disk) copy of an earlier draft version of the PP suggested that the CDPHE and/or the EPA were considering issuing a PP initiated by the regulators and independent from the DOE's PP. The requested disk was hand delivered to Mr. Kleeman on June 2, 1995. Since the May 25 submittal, I have also made numerous offers to the EPA and the CDPHE to either incorporate any regulator initiated PP or to incorporate the dissenting opinions of the CDPHE and the EPA into the DOE's PP so that we might go to public comment with one document.

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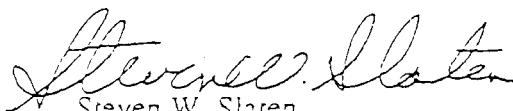
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By letter, dated June 2, 1995, the EPA stated it's nonapproval of the May 25th PP and strongly recommended that it not be presented to the public as written. The EPA also stated that the PP was incomplete since the Remedial Action alternatives previously discussed in the Corrective Measures Study/Feasibility Study (CMS/FS) were not presented in the PP. Notwithstanding your concern regarding CMS/FS alternatives, the DOE followed the EPA's Office of Solid Waste and Emergency Response (OSWER) guidance (i.e., 9355.3-02) in preparing the PP and, as such, the OSWER does not call for the presentation of potential remedial actions when there is no risk to human health and the environment. Moreover, it is important to note that the May 25th PP is consistent with the draft PP. It was only an intermediate version of the PP that the staffs discussed at the May 15th meeting which was divergent from the draft and final proposed No Action finding.

With respect to our response to comments offered by the State of Colorado, the DOE, notwithstanding numerous efforts to solicit comments, received no written comments from the CDPHE. Accordingly, we can offer no response to the CDPHE on the May 25th PP.

This letter, pursuant to the Interagency Agreement (IAG), formally transmits the DOE's response to the EPA's and the CDPHE's comments to the OU 1 PP submitted for review on May 25, 1995.

Sincerely,



Steven W. Slaten
IAG Project Coordinator
Environmental Restoration

cc:

J. Ahlquist, EM-452, HQ
C. Gesalman, EM-453, HQ
K. Klein, OOM, RFFO